(1) (2)

IN THE HIGH COURT OF JUDICATURE AT
BILASPUR (C.G.) **Single Bench**

M.A. No. 342 of 2006

APPELLANT (CLAIMANT) : Ratanlal Mahobia,
Aged-58 years, S/o.-Late Shri Dukhva Ram Mahobia, R/o-Dangania basti, Raipur, Tah. & Distt.-Raipur(C.G.)

VERSUS

RESPONDENTS : 1. Khilawan Soni, Aged - 40 Years, S/o-Ramakant Soni, R/o-Imlibhata, Mahasamund, Tah. & Distt.- Mahasamund (Chhattisgarh)

2. Smt.Durga Poddar, W/o-Raghavram Chowdhry, R/o-Ward no.12, Mahasamund Tah. & Distt. Mahasamund(C.G.)

3. The New India Insurance Co. Ltd. Through- Divisional Manager, Divisional office, Bajrang Market, G.E.Road, Raipur (C.G.) (Policy no. 450301/31/04/86004, date of Limitation- From 5/12/04 To 4/12/05)

P.R. No. 2115/06 Presented by Shri B.K. Chakrabarty dated 26/7/06

MEMORANDAM OF APPEAL UNDER SECTION 173 OF THE M.V.ACT, 1988, FOR ENHANCEMENT OF AWARD.

Arising out of Jud-

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(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.(C) No.342/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13-11-2006

Shri A.S.Iqbal, learned counsel for the appellant.

Heard on I.A.No.3452/2006 for taking synopsis on record.

Considered and allowed. Synopsis is taken on record.

The only ground urged by learned counsel for the appellant in this Miscellaneous Appeal (C) No.342/2006 is that a sum of Rs.5,000/- awarded by the learned Motor Accident Claims Tribunal, Raipur towards pain and suffering undergone by the claimant on account of fracture of ribs and collar bone was wholly inadequate. Award dated 29-04-2006 passed by the XIVth Additional Motor Accidents Claims Tribunal, Raipur in Claim Case No.46/2006 is perused.

The learned Motor Accident Claims Tribunal has awarded total compensation of Rs. 27,000/-. An amount of Rs.16,000/- i.e. Rs.4,000/- per month for the laid up period i.e. 4 months was awarded since the claimant had himself stated that his monthly income was Rs.4,000/- only. Medical bills filed by the claimant to the tune of Rs.1,794.85 were considered and an amount of Rs.2,000/- was awarded towards medical expenses. An amount of Rs.2,000/- was also awarded towards requirement of assistant/attendant during the period of hospitalization and a sum of Rs.2,000/- was also awarded towards healthy diet. Towards pain and suffering the learned M.A.C.T. awarded Rs.5,000/-.

Learned counsel for the appellant did not dispute that no permanent disability was suffered by the claimant. He also admitted that no medical

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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evidence or documentary proof to substantiate that the claimant had undergone pain and suffering for a period of more than 4 months was adduced before the Claims Tribunal.

In view of the fact that the claimant did not lead any evidence to show the extent of pain and suffering and the fact that no permanent disability was suffered by the claimant, the award of an amount of Rs.5,000/- by the learned Motor Accident Claims Tribunal, Raipur towards pain and suffering cannot be faulted with.

In this view of the matter, it cannot be said that the compensation awarded by the learned Motor Accident Claims Tribunal, Raipur is not just and reasonable compensation.

Consequently, this Miscellaneous Appeal is dismissed at the stage of admission as being devoid of merit.

Certified copy as per rules.

Sd/-
Dilip Raosaheb Deshmukh
Judge

P.T.O.